

1
2
3 BILL NO. G-75-10-18

4 GENERAL ORDINANCE NO. G-28-75

5 AN ORDINANCE amending General Ordinance No. G-97
6 by authorizing the vacation of a certain alley and
7 utility easement

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
9 WAYNE, INDIANA:

10 SECTION 1. Petition for the vacation of a certain alley and utility
11 easement having been filed with the Fort Wayne City Plan Commission on the
12 22nd day of September, 1975, following a public hearing thereof, all in accord-
13 ance with Section 44, Chapter 174, of the Acts of the General Assembly of the
14 State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of
15 the General Assembly of the State of Indiana (Burns Ind. Stat., 1974 Replace-
16 ment, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance
17 No. G-97 adopted by the Common Council of the City of Fort Wayne on November
18 26, 1963, is amended by deleting the following :

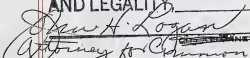
19
20 Commencing at the southeast corner of Lot #
21 108, Hamilton's Third Addition, thence north
22 157.85 feet; thence east 10 feet, thence south
23 157.85 feet, thence west 10 feet to the point
24 of beginning

25 SECTION 2. After passage of this Ordinance, approval by the Mayor
26 and legal publication, a duly certified copy of this Ordinance, of the recommenda-
27 tion of the Fort Wayne City Plan Commission, and of the action of the Mayor,
28 shall be transmitted by the City Clerk to the Board of Public Works of the City
29 of Fort Wayne, Indiana.

30 SECTION 3. This Ordinance shall be in full force and effect from and
31 after its passage, approval by the Mayor and legal publication thereof.

32
33 
Councilman

34
35 APPROVED AS TO FORM
AND LEGALITY


Attorney for Common Council

Read the first time in full and on motion by Kraus seconded by Nuckols and duly adopted, read the second time by title and referred to the Committee on Regulations (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____, 19____, at _____ o'clock P.M., E.S.T.

Date: 10-14-75.

Charles W. Montmarquet
CITY CLERK

Read the third time in full and on motion by Nuckols seconded by Stier and duly adopted, placed on its passage. Passed (and) by the following vote:

	AYES <u>8</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT <u>1</u> to-wit:
Burns	<u>✓</u>	_____	_____	_____
Hinga	<u>✓</u>	_____	_____	_____
Kraus	_____	_____	_____	<u>✓</u>
Nuckols	<u>✓</u>	_____	_____	_____
Nuckols	<u>✓</u>	_____	_____	_____
Moses	<u>✓</u>	_____	_____	_____
Schmidt, D.	<u>✓</u>	_____	_____	_____
Schmidt, V.	<u>✓</u>	_____	_____	_____
Stier	<u>✓</u>	_____	_____	_____
Talarico	<u>✓</u>	_____	_____	_____

Date 10-28-75

Charles W. Montmarquet
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. D-28-75 on the 28th day of October, 1975.

Charles W. Montmarquet
CITY CLERK

James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of October, 1975 at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Montmarquet
CITY CLERK

Approved and signed by me this 28th day of October, 1975 at the hour of 1:00 o'clock P. m., E.S.T.

James Stier
MAYOR

Bill No. G-75-10-18

REPORT OF THE COMMITTEE ON REGULATIONS

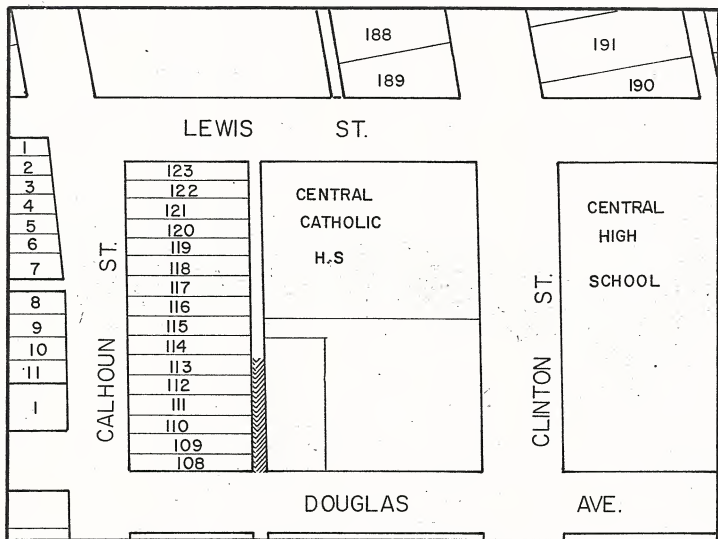
We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation of a certain
alley and utility easement

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

- Eugene Kraus, Jr. - Chairman
- John HuckoIs - Vice-Chairman
- Vivian G. Schmidt
- Paul M. Burns
- Donald J. Schmidt

John E. HuckoIs
Vivian G. Schmidt
Paul M. Burns
D. Schmidt

10-28-75 CONCURRED IN
DATE CHARLES W. WESTERMAN, CITY CLERK



TO BE VACATED

N

9-9-75

Pg. A-1

L.S.



COMMUNITY DEVELOPMENT AND PLANNING

long range planning and zoning

October 3, 1975

COMMUNICATION FROM CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution for the vacation of the following:

Commencing at the southeast corner of Lot # 108,
Hamilton's Third Addition, thence north 157.85 feet;
thence east 10 feet, thence south 157.85 feet, thence
west 10 feet to the point of beginning
(Alley and utility easement)

which was approved by the City Plan Commission at its regular meeting
held September 22, 1975.

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of October, 1975.

Charles N. Hall
Secretary



RESOLUTION

WHEREAS, Fort Wayne Community Schools, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley and utility easement in Allen County, Indiana, to-wit:

Commencing at the southeast corner of Lot Number 108, Hamilton's Third Addition, thence north 157.85 feet, thence east 10 feet, thence south 157.85 feet, thence west 10 feet to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Ind. Ann. Stat. §53-744 (Burns 1964 Repl. Ed.); and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and

WHEREAS, said public hearing was held on Monday, September 22, 1975 at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley and utility easement hereinbefore described conforms to the general policy and patterns of development set out in the master plan of the City of Fort Wayne, Indiana; and

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley and utility easement hereinbefore described be and the same is hereby approved; and,

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of alleys and utility easements in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Vivian G. Schmidt, President of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on Monday, September 22, 1975, and as the same appears of record in the official records of said Plan Commission.

Dated the 22nd day of September, 1975.

Vivian G. Schmidt
President
Fort Wayne City Plan Commission

PETITION TO VACATE ALLEY AND UTILITY EASEMENT

To: THE CITY PLAN COMMISSION OF THE CITY OF FORT WAYNE, INDIANA
and

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

Gentlemen:

The undersigned Petitioner, Fort Wayne Community Schools, hereby respectfully petitions the City Plan Commission and The Common Council of the City of Fort Wayne, to approve the vacation of the following described alley and utility easement located within the City of Fort Wayne, Indiana, to-wit:

Commencing at the southeast corner of Lot Number 108, Hamilton's Third Addition, thence north 157.85 feet, thence east 10 feet, thence south 157.85 feet, thence west 10 feet to the point of beginning.

Petitioner represents that:

- (1) Petitioner is the owner of all of the real estate on either side of said alley and utility easement.
- (2) That the Petitioner proposes to construct an Administration Building across a portion of the above described real estate.
- (3) That the utility easement will be relocated with the aid and cooperation of all affected utilities.
- (4) The Petitioner has filed with the Board of Public Works a Petition for the vacation of the above described alley and utility easement, which is presently pending before said Board awaiting disposition and the approval of this Petition;

Dated this 9th day of September, 1975.

FORT WAYNE COMMUNITY SCHOOLS

By: _____

Wayne E. Witmer
Barrett, Barrett & McNagny
395 Lincoln Bank Tower
Fort Wayne, Indiana 46802

DIGEST SHEET

TITLE OF ORDINANCE Alley and Utility Easement vacationG-75-10-18DEPARTMENT REQUESTING ORDINANCE Community Development and PlanningSYNOPSIS OF ORDINANCE Petitioners are requesting the vacation of the following described easement and alley.

Commencing at the southeast corner of Lot # 108, Hamilton's Third Addition,
thence north 157.85 feet, thence east 10 feet, thence south 157.85 feet, thence
west 10 feet to the point of beginning.

(Extending north, from the north right-of-way of Douglas Street).

EFFECT OF PASSAGE Alley and utility easement would be utilized by the
abutting property owners, in this case, Fort Wayne Community Schools.

EFFECT OF NON-PASSAGE Alley and Utility Easement would remain open.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.) Regulation Jll.



CITY OF FORT WAYNE

FORT WAYNE, INDIANA

CHARLES W. WESTERMAN
CITY CLERK

October 30, 1975

Miss Helen Libbing
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of November 1 and November 8, 1975, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Bill No. G-27-75
Housing Authority - \$200,000.00

Bill No. G-28-75
Vacation of alley & utility
easement

Please send us (5) copies of the Publisher's Affidavit in both newspapers.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Charles W. Westerman".

Charles W. Westerman
City Clerk

CWA/ne
ENCL: 2

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

100 lines, 1 columns wide equals 100 equivalent lines at 28.8¢
cents per line

\$ 28.80

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

\$ 14.40

Extra proofs of publication (50 cents for each proof in excess of two)

\$ 30.30

TOTAL AMOUNT OF CLAIM

G COST

Single column 11 ems

Size of type 5 1/2 point

insertions 2

Size of quad upon which type is cast 5 1/2

on and penalties of Ch. 89, Acts 1967.

The foregoing account is just and correct, that the amount claimed is legally due, after allowing all just of the same has been paid.

19.75

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

11/1-8/75

Subscribed and sworn to before me this 8th day of November 1975

Notary Public

My commission expires September 28, 1979

COPY OF
MENT HERELEGAL NOTICE
Notice is hereby given that on the 28th day of October, 1975, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-28-75 General Ordinance to wit:BILL NO. G-28-75-10-18
GENERAL ORDINANCE NO. G-28-75
An ordinance amending General Ordinance No. G-27 by authorizing the vacation of a certain alley and utility easement.

Be it ordained by the common council of the City of Fort Wayne, Indiana: Section 1. Petition for the vacation of a certain alley and utility easement having been filed with the Fort Wayne City Plan Commission on the 22nd day of September, 1975, following a public hearing thereof, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 285, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1974 Replacement, Sec. 53-244), the Thoroughfare Plan as set forth in General Ordinance No. G-27 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following:

Commencing at the southeast corner of Lot 108, Hamilton's Third Addition, thence north 151.8 feet, thence east 30 feet, thence south 151.8 feet, thence west 10 feet to the point of beginning. Section 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

Section 3. This Ordinance shall be in full force and effect from and after its passage approval by the Mayor and legal publication thereof.

EUGENE KRAUS, Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Elgert, Burns, Hinga, Poeschl, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Absent: One
KrausCharles W. Westernman
City ClerkDate: 10-28-75
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-28-75 on the 28th of October, 1975.

ATTEST: (SEAL)

Charles W. Westernman, City Clerk;
James S. Stier, Presiding Officer.
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1975 at the hour of 11:00 o'clock A.M., E.S.T.Charles W. Westernman,
City Clerk
Approved and signed by me this 29th day of October, 1975, at the hour of 1:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff, Mayor

I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and completed copy of General Ordinance No. G-28-75 passed by the Common Council on the 28th day of October, 1975, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of October, 1975 and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of October, 1975.

CHARLES W. WESTERMAN,
CITY CLERK

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines _____

Head number of lines _____ 1

Body number of lines _____ 97

Tail number of lines _____ 2

Total number of lines in notice _____ 100

COMPUTATION OF CHARGES

100 lines, 1 columns wide equals 100 equivalent lines at .288¢ _____
cents per line \$ 28.80

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) _____ 1.50

TOTAL AMOUNT OF CLAIM \$ 30.30

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date November 8, 1975

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows: 11/1-8/75

Subscribed and sworn to before me this 8th day of November 1975

Notary Public

My commission expires September 28, 1979

COPY OF
SENT HERE

going is a full, true and complete copy of General Ordinance No. G-28-75 passed by the Common Council on the 26th day of October, 1975, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of October, 1975 and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of October, 1975.

CHARLES W. WESTERMAN,
CITY CLERK

Common Council of Fort Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Head number of lines

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Body number of lines

97

Tail number of lines

2

Total number of lines in notice

100

COMPUTATION OF CHARGES

100 lines, 1 column wide equals 100 equivalent lines at .2884 cents per line

\$ 28.80

charge for notices containing rule or tabular work (50 per cent of above)

extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 30.30

NG COST

single column 11 ems

Size of type 5 1/2 point

insertions 2

Size of quad upon which type is cast 5 1/2

and penalties of Ch. 89, Acts 1967,

The foregoing account is just and correct, that the amount claimed is legally due, after allowing all just and proper deductions, and that the same has been paid.

B, 19 75

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County ss

Personally appeared before me, a notary public in and for said county and state, the undersigned, V. E. Gerken

S/he is Clerk

NEWS-SENTINEL

DAILY

a newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two

times, the dates of publication being as follows:

11/1-8/75

Subscribed and sworn to before me this 8th November 1975

My commission expires September 28, 1979

Notary Public

LEGAL NOTICE

Notice is hereby given that on the 28th day of October, 1975, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-75-10-18 G-28-75 General Ordinance to wit:

BILL NO. G-75-10-18

GENERAL ORDINANCE NO. G-28-75

An ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain alley and utility easement

Be it ordained by the common council of the City of Fort Wayne, Indiana: Section 1. Petition for the vacation of a certain alley and utility easement having been filed with the Fort Wayne City Plan Commission on the 22nd day of September, 1975, following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 285, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat., 1974 Replacement, Sec. 53744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following:

Commencing at the southeast corner of a Hamilton Third Addition, thence north 157.85 feet; thence east 100 feet; thence south 157.85 feet; thence west 10 feet to the point of beginning.

Section 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

Section 3. This Ordinance shall be in full force and effect from and after its passage approval by the Mayor and legal publication thereof.

EUGENE KRAUS,

Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Barnes, Hinga, Moses, Nuckols, O.

Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Absent: One

Kraus

Charles W. Westernman

City Clerk

Date: 10-28-75

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-28-75 on the 28th day of October, 1975.

TEST: (SEAL)

Charles W. Westernman, City Clerk;

James S. Zorner, Presting Clerk.

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of October, 1975 at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Westernman,

City Clerk

Approved and signed by me this 29th day of October, 1975, at the hour of 1:00 o'clock P.M., E.S.T.

Ivan A. Lebasnoff,

Mayor

I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and completed copy of General Ordinance No. G-28-75 passed by the Common Council on the 28th day of October, 1975, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of October, 1975 and now remains on file and on record in my office.

Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of October, 1975.

CHARLES W. WESTERMAN,

CITY CLERK

11/1-8

Common Council of Fort Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Head number of lines

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Body number of lines

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Tail number of lines

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Total number of lines in notice

100

COMPUTATION OF CHARGES

100 lines, 1 column wide equals 100 equivalent lines at .288¢ cents per line

\$ 28.80

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 30.30

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Date November 8, 1975

Title Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County, Ind.

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. Gerken who, being duly sworn, says that he is Clerk of the

NEWS-SENTINEL

DAILY

newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two

times, the dates of publication being as follows:

11/1-8/75

Subscribed and sworn to before me this 8th day of November 1975

Notary Public

My commission expires September 28, 1979

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MENT HERE